

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 APR -5 AM 10: 57

Docket No. RCRA-8-2000-11

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

Hamilton Sundstrand Corporation)

2480 West 70th Avenue)

Denver, Colorado 80221)

EPA Identification No. COD007057995)

Respondent.)

**TERMINATION OF CORRECTIVE
ACTION ORDER ON CONSENT**

- 1) This action was initiated in August 2000, with the execution of a Corrective Action Order on Consent (Order) by Hamilton Sundstrand Corporation (Company) and the United States Environmental Protection Agency Region 8 (EPA).
- 2) The fully executed Order was issued by EPA and filed with the EPA Region 8 Regional Hearing Clerk on August 25, 2000, and received the docket number above.
- 3) The Company has completed the following requirements of Section VIII of the Order (Work to be Performed):
 - a) current conditions/release assessment (*see* paragraph VIII.A);
 - b) expedited residential area data collection (*see* paragraph VIII.B);
 - c) certain interim measures, including installation and operation of
 - i) ground water barrier system (GWBS);
 - ii) soil vapor extraction system (SVE); and
 - iii) indoor air ventilation systems in a number of homes in the residential area. (*see* paragraph VIII.C);
 - d) RCRA facility investigations (*see* paragraph VIII.E); and
 - e) RFI summary report (*see* paragraph VIII.F)
- 4) The following requirements of the Order are expected to be performed under the analogous provisions of the ICAP Application (defined in paragraph 12 below), including:
 - a) corrective measures study (*see* paragraph VIII.G);
 - b) corrective measures study summary report (*see* paragraph VIII.H);
 - c) corrective measures implementation (*see* paragraph VIII.I); and
 - d) corrective measures summary report (*see* paragraph VIII.J).

- 5) Until the order is terminated, the Company must also continue to meet certain continuing obligations pursuant to the Order, including:
 - a) maintenance of financial assurance adequate to complete all remaining work;
 - b) quality assurance requirements;
 - c) operation and maintenance of all operating remedial systems, such as the GWBS and SVE; and
 - d) regular reporting requirements.
- 6) Since the work performed to date by the Company has resulted in the "Environmental Indicators" for RCRA corrective action being met at the facility (human exposures and groundwater migration under control) these must be maintained.
- 7) By letter dated May 9, 2006, to Mr. Walter Avramenko of the Colorado Department of Public Health and Environment (CDPHE), from Mr. Scott Andrews of ARCADIS G&M, Inc. (ARCADIS), ARCADIS, on behalf of the Company and other interested persons, requested that CDPHE agree to allow the remainder of the work to be performed pursuant to the Order to be conducted pursuant to a clean up program overseen by CDPHE known as the Integrated Corrective Action Plan (ICAP) program.
- 8) The ICAP program is not part of the federally-authorized hazardous waste program in Colorado.
- 9) As a follow-up to both the May 9, 2006, letter, and a meeting among the Company, ARCADIS, Brownfield Partners, LLC, EPA and CDPHE on May 8, 2006, ARCADIS provided a detailed proposal for the transfer of the remaining work from the Order to the ICAP program by letter dated May 26, 2006, to Mr. Tom Aalto of EPA, from Mr. Scott Andrews of ARCADIS.
- 10) After a review of certain related documents by EPA, such as the financial assurance mechanism to ensure completion of work under the ICAP program, and consideration of all known information, EPA and CDPHE agreed in principle to the proposed transfer after review and approval of the RFI report required by the Order and the application to enter the ICAP program.
- 11) By letter to Mr. Allan Steckelberg of ARCADIS, dated December 11, 2006, EPA approved the *Draft RCRA Facility Investigation Report* (August 11, 2006) submitted by ARCADIS on behalf of the Company. As noted in that letter, EPA approval was given with the specific modifications described in the attachment to the letter.
- 12) By letter to Mr. Steckelberg, dated January 22, 2007, CDPHE approved the *Integrated Corrective Action Plan Application* (August 22, 2006) (ICAP Application) submitted by ARCADIS.

- 13) The Company understands that EPA and CDPHE have determined that the Company is liable for completion of investigations and remedial activity pursuant to the federal and state hazardous waste programs, and that termination of this Order by EPA and agreement that the remainder of the work can be completed by other interested persons under an alternative enforceable mechanism issued pursuant to a non-federally authorized remedial program does not affect this determination; nor does it affect any liability the Company may have under the hazardous waste laws or any other law for investigation and remediation of contamination presently addressed by the Order.
- 14) EPA and the Company understand and agree that on the effective date of this termination document the only requirement of the Order that the Company must continue to comply with is the record preservation provision of Section XVI of the Order as modified in this paragraph. The record preservation requirement is modified such that the three (3) year retention provision will begin on the date of CDPHE approval of the final ICAP report.
- 15) Based on the specific requirements of the ICAP Application, and EPA's confidence that both the continuing and remaining work obligations of the Order will be satisfactorily met through implementation of the ICAP Application, EPA has determined that the requirements of the ICAP Application are equivalent to the requirements of the Order. EPA, therefore, agrees to terminate the Order. This Order is effective upon filing with the Regional Hearing Clerk.

**FOR COMPLAINANT: UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 8**

By: Sharon L Kercher Date: April 4, 2007
Sharon Kercher, Director
Technical Enforcement Program

By: David J. Janik Date: 4 April 2007
David J. Janik, Director
Legal Enforcement Program

FOR RESPONDENT: HAMILTON SUNSTRAND CORPORATION

By: Clinton L. Gardiner Date: March 29, 2007
Clinton L. Gardiner
Vice President and General Counsel